

February 22 2010

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

DA 10-0081

William F. Hooks
Hooks & Wright, P.C.
Attorneys at Law
P.O. Box 1582
Helena, MT 59624
406-449-2519
wmhooks@msn.com
Attorney for Appellant

IN THE SUPREME COURT OF THE STATE OF MONTANA

Case No. DA 10-__

STATE OF MONTANA,

Plaintiff and Appellee,

vs.

KENTON RICHARD WEIMER,

Defendant and Appellant,

NOTICE OF APPEAL

FILED

FEB 22 2010

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

NOTICE is given, pursuant to Rule 4, M.R.App.P., that Kenton Richard Weimer, the Appellant above-named and who is the defendant in that cause of action filed in the Montana Eleventh Judicial District Court, Flathead County, as Cause No. DC 07-235(A) hereby appeals to the Supreme Court of the State of Montana, from the District Court's Findings of Fact, Conclusions of Law and Order, filed on January 27, 2010, denying Defendant's motion for relief due to the state's breach of a plea agreement.

1
2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
8
9
0
1
2
3


2. That this appeal is not an appeal from an order certified as final under M. R. Civ. P. 54(b). If this is such an appeal, a true copy of the District Court's certification order is attached hereto as Exhibit "A."

3. That the notice required by M. R. App. P. 27 has been or will be given, within 11 days of the date hereof, to the Supreme Court and to the Montana Attorney General with respect to a challenge to the constitutionality of any act of the Montana Legislature.

4. That all available transcripts of the proceedings in this cause have been ordered from the court reporter contemporaneously with the filing of this notice of appeal. If all available transcripts have not been ordered, that Appellant has complied with the provisions of M. R. App. P. 8(3) contemporaneously with the filing of this notice of appeal.

5. That included herewith is the filing fee prescribed by statute, or the affidavit to proceed without payment of the required filing fee prescribed in the Appendix of Forms as Form 3.

Dated this 22nd day of February, 2010.


William F. Hooks
Attorney for Appellant

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on February 22, 2010, I have filed a true and accurate
3 copy of the foregoing NOTICE OF APPEAL with the Clerk of the Montana
4 Supreme Court; and that I have served true and accurate copies of the foregoing
5 NOTICE OF APPEAL upon the Clerk of the District Court, each attorney of
6 record, and each party not represented by an attorney in the above-referenced
7 District Court action, as follows:

8 Ms. Peg Allison
9 Clerk of District Court
10 800 South Main
11 Kalispell, MT 59901-5400

[x] U.S. Mail
[] Hand Delivery
[] Federal Express
[] Facsimile

8 Lori Adams
9 Deputy Flathead County Attorney
10 P.O. Box 1516
11 Kalispell, MT 59903-1516

[x] U.S. Mail
[] Hand Delivery
[] Federal Express
[] Facsimile

12 By: 
13
14
15
16
17
18
19
20
21
22
23

